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Southern Nevada T.B.A. Co.
d/b/a Ted Wiens Auto & Tire Centers

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANIEL ACUNA; and JERRY SCHAFFER, as)
individuals, and on behalf of others similarly)
situated,)

Plaintiffs,)

vs.)

SOUTHERN NEVADA T.B.A CO., a Nevada)
Corporation, doing business as "TED WIENS)
TIRE & AUTO CENTERS",)

Defendants.)

Case No. 2:16-cv-00457-GWF

STIPULATION AND ORDER TO
EXTEND NOTICE DATE AND FINAL
APPROVAL HEARING

Plaintiffs Daniel Acuna and Jerry Shaffer ("Plaintiffs"), by and through their counsel, Andrew L. Rempfer, Joseph N. Mott, and Scott Lundy of Rempfer Mott Lundy, and Defendant Southern Nevada T.B.A. Co. d/b/a Ted Wiens Auto & Tire Centers ("Defendant"), by and through its counsel, Carol Davis Zucker and Nicole A. Young of Kamer Zucker Abbott, hereby stipulate and request an order extending certain deadlines and dates with respect to the parties settlement, preliminarily approved by the court on March 19, 2018, as follows:

1. Extend the deadline to mail the Notice of Settlement ("Notice") from April 9, 2018 to April 17, 2018.

2. Vacate the present setting for the Final Approval Hearing of July 19, 2018, and reset the date of that hearing for another date at the court's earliest convenience after July 26, 2018.

3. This an extension of eight (8) days for the deadline to mail the Notice of Settlement and seven (7) days for the Final Approval Hearing.

4. This Stipulation and request is made to enable the Settlement process to go forward as soon as possible, in light of scheduling issues involving the Claims Administrator and Class Counsel, and is not for purposes of delay or any other improper purpose.

5. This stipulation is based upon the following facts:

a. On March 19, 2018, this court preliminarily approved the settlement, the Notice and claim forms, subject to certain changes, and set the date of the Final Approval Hearing to take place on July 19, 2018. Order Re: Motion for Preliminary Approval of Class Action Settlement (ECF No. 80).

b. By the terms of the Settlement Agreement and the preliminary approval order, within fourteen (14) days following the court's preliminary approval, Defendant was required to provide to the Claims Administrator, Swarts & Swarts, the list of members of each Subclass. Stipulation and Agreement for Settlement and Release of Fair Labor Standards Act Collective Action and Settlement and Release of Claims in Accompanying Class Action ¶ 27(a), p. 19 (ECF No. 62), and Preliminary Approval Order ¶ 9, p. 26. (ECF no. 80). That date was April 2, 2018.

c. On April 2, 2018, Defendant provided the three (3) lists via email of Excel spreadsheets to George Swarts.

d. Defendant's counsel prepared the modifications to the Notice and forwarded the draft for approval by Plaintiffs' counsel. Mr. Rempfer, lead counsel for Plaintiffs, is ill and presently unable to devote any time to this case. The other counsel for Plaintiffs have

been required to participate in depositions in another case and have been unable to address various matters needed before the Notices are mailed.

e. By the terms of the Settlement, the Notices were to be mailed to the Subclass members on April 9, 2018.

f. As Swarts & Swarts is a Certified Public Accounting firm, the first two weeks of April 2018, are their busiest time of the year as it is within the time it prepares its clients' federal income tax returns to mail them timely by 12:00 a.m. on April 17, 2018.¹

g. Because it is "tax season," the Claims Administrator has not been able to perform and complete the work necessary to mail the Notice and forms or to mail them.

h. The parties did not previously anticipate the Settlement would be preliminarily approved within a time frame that would require the Notice to be mailed during the last full week of tax season, the busiest time for an accounting firm.

i. With an extension of the Notice-mailing deadline to April 17, 2018, the Claims Administrator will have the opportunity to perform the pre-Notice-mailing tasks required by the Settlement Agreement, then mail them.

j. With the Notices mailed on April 17, 2018, members of the Subclasses will have a deadline of June 18, 2018 (a) to complete and mail the completed Fair Labor Standards Act collective action Subclasses' members to return Claim/Consent Forms to the Claims Administrator, and (b) for the Fed.R.Civ.P. 23 Uniform Subclass members to exclude themselves ("opt out"), file objections, or provide corrected addresses or information on months worked for Defendant during the Class Period.

k. Following the June 18th deadline, the parties will need to prepare and file the Joint Motion for Final Approval of the Settlement as well as certain declarations needed from

¹ April 15, 2018 falls on a Sunday and, due to a holiday in the District of Columbia the date was moved to April 17, 2018.

counsel and/or the Claims Administrator. The parties presently believe these tasks can be accomplished by early to mid-July, 2018, and so request a Final Approval Hearing be set as soon as convenient for the court after July 26, 2018. This will result in a Final Approval Hearing about one (1) week following the original hearing date of July 19, 2018.

The parties therefore respectfully request the court adopt the timetable and deadlines set forth in paragraphs 1-2, *supra*.

DATED: 16 April 2018

REMPFER MOTT LUNDY

By: /s/Joseph N. Mott
Andrew L. Rempfer
Joseph N. Mott
Attorneys for Plaintiffs and Class Counsel

DATED: 16 April 2018

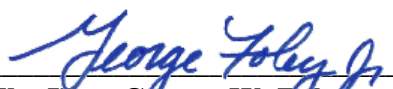
KAMER ZUCKER ABBOTT

By: /s/ Carol Davis Zucker
Carol Davis Zucker
Nicole A. Young
Attorneys for Defendant

ORDER

It is so ordered and approved.

DATED: 4/17/2018


The Hon. George W. Foley
United States Magistrate Judge